

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

BARBARA EVANS-GRAY,)
Plaintiff,) Case No. 1:24-cv-334
v.) Judge Travis R. McDonough
AMAZON.COM SERVICES, LLC,) Magistrate Judge Susan K. Lee
Defendant.)

ORDER

Before the Court is Magistrate Judge Susan K. Lee's Report and Recommendation denying Plaintiff Barbara Evans-Gray's motion for leave to proceed *in forma pauperis*. (Doc. 8.) Judge Lee noted that Plaintiff's *in forma pauperis* motion (Doc. 1) shows that she has a monthly income of approximately \$5,000 and only \$3,500 in monthly expenses. (Doc. 8, at 2.) Judge Lee also noted that Plaintiff has a real estate asset valued at \$370,000 and no dependents. (*Id.*) Based on these facts, Judge Lee found that Plaintiff could pay the filing fee while still affording the necessities of life. (*Id.*)

Plaintiff objects to Judge Lee's findings.¹ (Doc. 9.) Plaintiff argues that because she was out of work for a significant period of time, she has accumulated \$11,000 in debt and “[her] [m]ortgage is behind over [\$]18,000.” (*Id.* at 1.) However, Judge Lee already considered Plaintiff's personal debt and nonetheless found she had the ability to pay. (Doc. 8, at 2.) The

¹ Plaintiff objected outside of the 14-day period in which she had to file objections. (Doc. 8, at 3 n.3.) However, in light of Plaintiff's pro se status, the Court will still consider her objections.

Court agrees. The fact that Plaintiff has additional debt that she did not initially disclose does not change the Court's analysis. While Plaintiff's financial situation is not entirely clear, it appears that she has a steady stream of income which, as Judge Lee aptly noted, "exceeds her reasonable monthly living expenses by more than \$1,000.00 each month." (*Id.*) The Court finds that despite Plaintiff's debt, she can pay the \$405 filing fee while still affording the necessities of life.

Accordingly, Plaintiff's objections (Doc. 9) are **OVERRULED**. The Court **ACCEPTS** and **ADOPTS** Judge Lee's Report and Recommendation (Doc. 8). Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 1) is **DENIED**. Plaintiff **SHALL** pay the \$405.00 filing fee on or before **November 15, 2024**. Furthermore, Plaintiff is hereby **ON NOTICE** that if she does not pay the filing fee by the above date, the Court will dismiss this action for want of prosecution and for failure to comply with a Court order.

SO ORDERED.

/s/Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE